623 Fokon'olona. The *Hovadiha* were heads of lineages or large families, rich men, famous warriors, etc. They were usually middle aged or old, but age in itself brought little prestige and no authority.

625 Practically every village was divided into two or more political factions, which would oppose each other on principle. There was a great deal of petty politics and scheming for control. The *Andriambahoaka* was always allied with some faction and would favor it when possible. Membership in factions seems to have always followed lineage lines and when the disputes became too acute the lineages making up the defeated faction might secede to a body and found a new village.

626 Matters of general policy, internal disputes and minor criminal
627 cases were settled by the *Fokonolona* ("council"). Some informants said that membership in the *Fokonolona* was limited to *Hovadiha*, others that it included the entire adult male population. The distinction is not an important one, for the meetings were always public and all villagers, including women, had the right to speak.

628 The proceedings of the *Fokonolona* were quite informal. The *Andriambahoaka* presided, but there was no rules of order, no minutes of previous meetings, and no proceedings for opening or closing the session. The meetings were called *kabary*, which is an exact equivalent of the term "palaver" as used on the west coast of Africa. It is a generic term for meetings, discussions, speeches, etc. The Malagasy love to talk and even small matters were made an excuse for hours of *kabary*, with a great flow of oratory. There was no voting nor, as far as I could learn, any other formal method of coming to a decision. The matter was thrashed out until it was felt that the whole group was in agreement. The *Andriambahoaka* might formally announce the decision, but even this was often thought unnecessary. In case of a deadlock, the meeting was adjourned and the *Hovadiha* went into private caucus, reconvening when they had reached a compromise. In all matters the majority ruled, but it had to be a large majority.

629 The gens as a whole had a chief, called the *Andriambahoaka*, who was chosen by an assembly of the *Andriambahoaka* and *Hovadiha* from all the villages. Theoretically, he was chosen on the same personal basis as the *Andriambahoaka* and might be picked from any village or lineage. Actually, favor was shown to the lineages which were in most direct line of descent from the gens ancestor, i.e., traced from him through eldest sons, and which lived in the original village of the gens. There also seems to have been a tendency for the office

Asakondrivano. I was told that a deposed king would usually be killed to prevent later complications.

Royal Powers and Functions

The king was supposed to stand in the same relation to his subjects as the father of a family to its members. In theory he had absolute power over their persons and property, but it was a power which he never dared to exercise arbitrarily. The Tanala kings never developed the elaborate palace organization which, in some other tribes, interposed a barrier between ruler and subject and made oppression safe and easy. A king who sold a subject into slavery or seized the property of even the poorest commoner would arouse a storm of protest. The whole community would feel that its rights were in danger and the offender was liable to be deposed or murdered. Bad kings occasionally enriched rich subjects on trumped-up charges, but even in this they had to move with caution. In general the rule was benevolent and the duties attached to the royal office believed to advantage.

A king was expected to aid and counsel his subjects, maintain order throughout the realm, lead his people in war, and above all administer justice. Stinginess was a severe reproach and in bad seasons the king was expected to help his subjects to the limits of his property. Any subject could apply to him for advice and he was also expected to hold *fokony* ("palavers") from time to time and counsel his people in formal fashion. One *fokony* was always held in the spring, before planting began, at which the king addressed his subjects and encouraged them to plant plenty of crops and cultivate them well. At another *fokony* he advised the gathering of forest products. He was also expected to protect and stimulate trade, especially with Europeans.

The maintenance of order was in the hands of the *Anakondrivano* of the various gentes. Each gens was expected to keep down lawlessness and banditry within its territory and to surrender to the king any of its members who had been guilty of offenses against members of other gentes or the subjects of another king. Each *Anakondrivano* was personally responsible to the king for the behavior of his followers and might, in extreme cases, be fined, although apparently he could not be deposed without the consent of his own people.

The activities of the king as war leader have been described in the section on Warfare.

[illegible]

[illegible]

The Banyo had a well-developed legal system with a concept of law quite similar to our own. Most of the laws received their sanction from immemorial usage, but new ones could be enacted to meet emergencies. A new law could be formulated by the *M'penuda* in council with the *Andandriuma* and publicly announced by him at a special *kabaru*. There seems to have been no machinery for the repeal of laws. Unpopular or antiquated ones would simply be allowed to lapse. The more important regulations were known to the entire community, but there were certain individuals who were recognized as especially conversant with the law and from whom litigants would seek advice. In trials, previous decisions were often cited, but I could not discover how binding such precedents were.

The distinction between civil and criminal cases was clearly recognized. The former consisted of disputes over property. Apparently it was impossible to sue for damages. Criminal actions were brought for theft, murder and witchcraft. Incest, in spite of the very strong feeling against it, was not technically a crime, and neither was mayhem. Actually, deliberate murder and mayhem were so rare that informants were uncertain as to the exact procedure. Fights between other adults were considered disgraceful to both parties and most of the natives had never witnessed one. If one person injured another by accident, or while drunk, the matter was settled informally by an apology and gift to the injured party.

Minor civil cases were settled by the *Ndandiuma* with the village chief presiding. Criminal cases and the more important civil ones, especially those involving persons from different villages, were tried before the *Andandriuma* of the gens with a number of *Nandiu* in attendance. All trials were public. The *M'penuda* ("chief") of the tribe might attend, but it was always the *Andandriuma* who gave the verdict, after consultation with the *Nandiu*. In cases involving persons of different gentes, the litigants would agree to accept the *Andandriuma* of one or the other gens as judge, or, if the matter was very important, refer the case to the *Andandriuma* ("chief counselor to the king"). If the persons involved belonged to different kingdoms, the plaintiff could appeal to either king to act as judge, but that king's decision had to be generally recognized as just and impartial. If it was not, the loser would refuse to abide by it and his own king would support him, causing war between the kingdoms.

In civil cases it was not unusual for the litigants to be represented by counsel. Both parties were allowed to state their case and to call